

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

**Minute Entry**

**Hearing Information:**

**Debtor:** NILES S LIPIN  
**Case Number:** 2:11-bk-26500-GBN **Chapter:** 11  
**Date / Time / Room:** THURSDAY, APRIL 14, 2016 09:30 AM 6TH FLOOR #602  
**Bankruptcy Judge:** GEORGE B. NIELSEN  
**Courtroom Clerk:** JENNIFER LOWRY  
**Reporter / ECR:** KAYLA COLASONT

**Matters:**

- 1) INITIAL HEARING ON DISCLOSURE STATEMENT

R / M #: 1 / 0

- 2) ADV: 2-11-02323

THE ESTATE OF ROBERT W. WALKER AND EVE F & NILES S LIPIN & NILES S LIPIN vs NILES S LIPIN  
& MARIE PIERRON & THE ESTATE OF ROBERT W. WALKER AND EVE F & THE ESTATE OF ROBERT  
W. WALKER AND EVE F

CONTINUED STATUS HEARING ON COMPLAINT RE: DISCHARGEABILITY

R / M #: 81 / 0

**Appearances:**

CHRIS D. BARSKI, ATTORNEY FOR DEBTOR NILES S LIPIN, MARIE PIERRON  
KEVIN R. KEATING, ATTORNEY FOR WALKERS (T), THE ESTATE OF ROBERT W. WALKER AND  
EVE F  
TRAIL TILTON POTTER, ATTORNEY FOR NILES S. LIPIN

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(continue)... 2:11-bk-26500-GBN

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**Proceedings:**

**MATTER 1**

The Court discussed the objection to the disclosure statement that was filed by the Keatings.

Mr. Barski reviewed the objection and discussed the debtor's wife's contributions to the community.

Mr. Keating stated that his objection is really to the plan and not to the disclosure statement. Mr. Keating advised that he has no objection to the disclosure statement.

COURT: THE COURT NOTES MR. KEATING'S POSITION ON THE DISCLOSURE STATEMENT.

The Court advised that it will not approve exculpation clauses that appear to include breaches of fiduciary duty, gross negligence and willful acts.

COURT: IT IS ORDERED THAT ONCE MR. BARSKI ENSURES THAT THE DISCLOSURE STATEMENT DOES NOT CONTAIN AN EXCULPATION CLAUSE THAT INCLUDES BREACH OF FIDUCIARY DUTY, GROSS NEGLIGENCE AND WILLFUL ACTS, THE COURT WILL APPROVE IT AND WILL AUTHORIZE SOLICITATION OF VOTES IN SUPPORT OF OR IN OPPOSITION OF THE PLAN.

IT IS FURTHER ORDERED SETTING AN INITIAL CONFIRMATION HEARING ON MAY 24, 2016 AT 10:30 AM. MR. BARSKI IS DIRECTED TO PROVIDE NOTICE THAT ANY OBJECTIONS TO THE CONFIRMATION OF THE PLAN ARE TO BE SERVED AND FILED NO LATER THAN THE CLOSE OF BUSINESS ON TUESDAY MAY 17, 2016 AND BALLOTS IN SUPPORT OF OR AGAINST THE PLAN ARE TO BE SUBMITTED TO DEBTOR'S COUNSEL NO LATER THAN THE CLOSE OF BUSINESS ON TUESDAY MAY 17, 2016. A DAY OR TWO BEFORE THE HEARING ON THE MAY 24, 2016 MR. BARSKI IS DIRECTED TO SUBMIT A BALLOT TALLY.

**MATTER 2**

Mr. Keating advised that he will be filing a dispositive motion within a couple of weeks.

Mr. Potter reviewed the status of the district court appeal.

COURT: IT IS ORDERED SETTING A CONTINUED STATUS HEARING ON MAY 24, 2016 AT 10:30 AM. IF A DISPOSITIVE MOTION IS FILED THE COURT CAN SET ORAL ARGUMENT AND THE STATUS HEARING CAN BE VACATED.

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